



City Council

Regular Meeting

~ Minutes ~

480 East Avenue North
Ketchum, ID 83340
<http://ketchumidaho.org/>

Tuesday, September 6, 2016

5:30 PM

Ketchum City Hall

Present:
Mayor Nina Jonas
Council President Jim Slanetz
Councilor Anne Corrock
Councilor Michael David
Councilor Baird Gourlay

Also Present:
Ketchum City Administrator Suzanne Frick
Ketchum City Attorney Jill Holinka
Assistant to the City Administrator Lisa Enourato
Director of Planning & Building Micah Austin
Finance Director Sandra Cady

1. CALL TO ORDER

Mayor Nina Jonas called the meeting to order at 5:30 p.m.

2. COMMUNICATIONS FROM MAYOR AND COUNCILORS

a. Communications from Mayor & Council

Mayor Nina Jonas thanked staff for a successful Wagon Days and a successful Rebecca's Private Idaho Race.

3. COMMUNICATIONS FROM THE PUBLIC

a. Communications from the public. For items not on the agenda.

No comments

b. Visit Sun Valley Quarterly Report

Mayor Nina Jonas explained that Executive Director Arlene Schieven has left and Visit Sun Valley is in transition. The Quarterly Report will be put back on the agenda at a later date.

4. CONSENT CALENDAR

- a. Approval of Minutes: Special Meeting August 29, 2016**
- b. Approval of Current Bills**
- c. Approval of Alcohol License**

Councilor Anne Corrock questioned the duplication of names under professional services on the Invoice Approval Report. Finance Director Sandy Cady explained that the checks went to individual people for Wagon Days.

Motion to approve the consent agenda.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael David, Councilor
SECONDER: Jim Slanetz, Council President
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

5. COMMUNICATIONS FROM STAFF

a. Resolution No. 16-015 providing for publication of notice of public hearing and for public hearing for an amendment to the 2015-16 fiscal year budget – Finance Director Sandy Cady

Finance Director Sandy Cady explained the reason for opening the budget and the changes that are being made.

Motion to approve Resolution No. 16-015, Providing for Publication of Notice of Public Hearing and for Public Hearing for an amendment to the 2015-16 Fiscal Year Budget.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Slanetz, Council President
SECONDER: Baird Michael David, Councilor
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

b. Ordinance No. 1163 to amend the FY2015-16 Budget (First Reading) – Finance Director Sandy Cady

Finance Director Sandy Cady explained that this is the first reading of the Ordinance No. 1163 for the opening of the 2014/16 budget.

Mayor Nina Jonas opened the meeting for public for comment. There were no comments.

Motion to approve the first reading of Ordinance No. 1163, an Ordinance of the City of Ketchum, Idaho, amending Ordinance Number 1139, the Annual Appropriation Ordinance for the fiscal year beginning October 1, 2015, and ending September 30, 2016: appropriating additional monies to be received by the City of Ketchum, Idaho; and, providing an effective date.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Anne Corrock, Councilor
SECONDER: Baird Gourlay, Councilor
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

c. Approval of Contract with Dennis Brown Auditor – Finance Director Sandy Cady

Finance Director Sandy Cady outlined the contract before them and explained the increase in rates and when Dennis Brown would be conducting the audit. Council Anne Corrock questioned if Counsel had reviewed the contract and Attorney Jill Holinka said she had.

Motion to approve the Terms of Engagement for Auditing Services with Dennis R. Brown, CPA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Anne Corrock, Councilor
SECONDER:	Baird Gourlay, Councilor
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

d. Approval of Resolution 16-016 authorizing destruction of semi-permanent Records per Idaho Code 50-907 – Finance Director Sandy Cady

Finance Director Sandy Cady advised that the list of documents before them have been reviewed by the City Attorney as well as the State Archives.

Mayor Nina Jonas asked for public comment. There was none.

Motion to approve Resolution 16-016 authorizing the destruction of semi-permanent records and authorize the Mayor to sign.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael David, Councilor
SECONDER:	Jim Slanetz, Council President
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

e. Discussion and approval of Resolution 16-017 Fee Resolution, establishing criteria for accepting security bonds in place of required in-lieu fees and requiring a completion bond for certain projects – Director of Planning & Building Micah Austin

Director of Planning & Building Micah Austin gave the background of the amendments to the fee resolution this year. He talked about in lieu fees and when they could be used. Language has been added to the bond. We can accept a bond for 100% but no more than that. The law does not allow us to accept above the amount of the security bond. In addition, we could accept a guarantee. Administratively we require the City Attorney to approve the bond documents. Micah Austin explained what is currently in the resolution that is in front of Council today. He summarized that all recommendations are in the resolution in front of them. The completion bond was talked about. If it is determined it should be added in an ordinance not in a resolution. Administrative expense fees section has been added to the fee resolution. City Attorney Jill Holinka advised that this new fee would require a public hearing so that will not be included in this resolution change. Council President Jim Slanetz questioned using the bond money right away. Jill Holinka explained in detail how and when the fees could be used. There was a discussion as to how other cities handle this type of situation. Jill Holinka and Micah Austin both explained that there are no other cities that they know of that use this type of security mechanism. City Administrator Suzanne Frick explained that there are no guarantees with this but it should help. It will be on record that we are first in line, however there may be others that have documents stating they are first in line.

Mayor Nina Jonas opened the meeting for public comment.

Attorney Ed Simon for Vicky Graves talked about potential conflict of interest for Councilor Baird Gourlay. Ed Simon talked about the number of condo units on the application and the current number of condos on the plan and the possible lack of public notice in regards to this. The bldg. permit date was discussed and what resolution was in effect at that time. He talked about the laws and rules that were in effect at that time. Ed Simon said that at this time the Council cannot change the agreement in

regards to this application. He talked about his position on this and asked the Council to be cautious in passing this resolution.

Councilor Baird Gourlay explained his involvement with Paul Conrad and explained that he has no financial benefit. City Attorney Jill Holinka explained the conflict of interest law.

Scott Hansen a unit owner at Trail Creek Crossing Condominiums and part of development team for Trail Creek Crossings when it was developed spoke. He explained at that time they did not ask for any variances. He does not believe that variances are acceptable on case by case basis. He voiced his opinions on the bonding issues and about when the project was originally approved and why and talked about why the council should stand up and deny. He also did not receive notice when the number of units changed.

Robert Delf, neighbor across from Trail Creek distributed written points to the council. He is opposed to the passage of Resolution 16-017 and explained why and his opinion of why the changes have been requested. He talked about setting a precedent and about the history of the approvals and where they are now in the process. He talked about expectations of developers and how the process works and the risk it involves for the city. He talked about guarantees and guarantors and the difficulty of collecting on the bonds without litigation. Mr. Delf talked about the legal status of the permit and when the permit fees were due and what the rules in effect were at the time of permit submittal. He referred to Resolution's 16-06 and 16-08 and questioned why the current permit is not void. He urged the Council to be patient in regards to passing this resolution.

Attorney Ed Lawson on behalf of Trail Creek explained that this is a policy decision by the Council and said the project is already permitted. He explained that the only question is if the fees will be paid in cash or if Council will accept a bond. He explained how he believes the bond will work and said there is no financial risk in the City accepting the bond. He voiced concerns in regards to the opinion of being able to spend the money right away. He talked about being first in line and what that means to him. He talked about the fees being amended and how that works with the resolutions that have been passed. He advised that Council not accept this proposal.

Ed Simon for Vicky Graves talked about the accommodation the City has made for the applicant. Ed Simon talked about what will happen to the bond if there is a bankruptcy and compared it to Cutters and the City of Hailey. He talked about the cities obligations to the citizens of Ketchum and asked council not to make any further accommodations to the applicant.

Applicant Jack Barriteau reiterated that if they don't accept the bond then he will pay in cash. He talked about the projects that he has completed in Ketchum and commented on Mr. Simon's comments.

No further comments.

Mayor Nina Jonas asked counsel Jill Holinka for clarification in regards to fees and timelines.

City Attorney Jill Holinka went over the time line of the applications and the resolutions that were passed. Mayor Nina Jonas asked for clarification as to if the application needs to be held to the resolution that was in effect at the time the application was submitted. Jill Holinka advised that is a policy question. Jill Holinka talked about State Code in Idaho and what that means to the City. There is no case law in regards to this. Director of Planning & Building Micah Austin interrupted to clarify the date of application and the date the resolution was passed and the date the City received the fees. Jill Holinka clarified the use of the fees prior to the project being completed. City Administrator Suzanne Frick clarified.

Mayor Nina Jonas asked Director of Planning & Building Micah Austin about the noticing concerns. Micah Austin clarified that notices were mailed and everything was done as it should have been done. Councilor Anne Corrock questioned the process that was done in regards to adding units. Micah Austin clarified that the formula is done on square footage not number of units and about the requirements that apply to this project.

Council President Jim Slanetz talked about the timing of this policy change. He is not opposed to the project but is opposed to the change in policy. He would like to keep the policy the City currently has.

Councilor Michael David talked about the In-Lieu Housing Fees being spent and his concerns with this new determination of spending the fees before the project is complete. He voiced concerns about not accepting the bond and the project failing. He does not believe accepting the bond puts the City in a bad position.

Councilor Baird Gourlay appreciates the concerns that have been brought forth, however he clarified that the topic is actually in regards to accepting a resolution not the concerns regarding the Auberge project. He said this is a tool that developers can use going forward and voiced he is for Res. No. 16-017

Councilor Anne Corrock feels this is a great risk and this is not a good tool and does not want to change policy.

Mayor Nina Jonas does not believe the City should absorb the risk and that the City could spend the money at any time. There was deliberation among Mayor and Council in regards to bonding for in-lieu funds and bankruptcy and how and when the funds could be spent. The cost of bonding was discussed.

Motion to approve Res. No 16-017 with exception of completion of bond language or administrative expense fees.

RESULT:	FAILED 3 TO 2
MOVER:	Michael David, Councilor
SECONDER:	Baird Gourlay, Councilor
AYES:	Michael David, Baird Gourlay
NYES:	Jim Slanetz, Anne Corrock, Nina Jonas

f. Resolution 16-018 establishing Solar Energy Fees – Director of Planning & Building Micah Austin

Director of Planning & Building Micah Austin talked about waiving fees for an applicant that had paid fees prior to us waiving the Solar Fees for Solar Summer.

Councilor Baird Gourlay recused.

Motion to approve Resolution 16-018

RESULT:	ADOPTED [3 TO 0]
MOVER:	Anne Corrock, Councilor
SECONDER:	Jim Slanetz, Council President
AYES:	Michael David, Anne Corrock, Jim Slanetz
RECUSED:	Baird Gourlay

g. Approval of Master Services and Subscription Agreement with ChargePoint, Inc. to proceed with purchase and installation of an Electric Vehicle Charging station at 500 East Avenue North – Director of Planning & Building Micah Austin

Director of Planning & Building Micah Austin presented the final approval of the Agreement. He advised that City Attorney Jill Holinka wrote the agreement in front of them. Micah Austin outlined what is in that contract in detail. Jill Holinka clarified the meaning behind the perpetual license in the contract. Micah Austin noted that in the past the Council has been up in the air in regards to charging fees. He advised that we have the ability to charge and outlined how and what those fees are. Councilor Baird Gourlay questioned if surveys are legal. City Attorney Jill Holinka clarified. Assistant to the City Administrator Lisa Enourato clarified where the survey is and how people access it. Micah Austin gave the results of the survey. There was a conversation in regards to return on investment. Micah Austin explained that it is a projection. This is for Level 2 charging. Councilor Anne Corrock questioned if there is another location. Micah Austin advised that there is. The pros and cons of Installing Tesla was discussed. Micah Austin is looking for direction. How and what to charge was discussed. Jill Holinka advised how to proceed once a decision is made. The Ore Wagon Museum location was discussed. Councilor Michael David advised he is now in favor of charging for the service. The talk of getting a Level 3 was discussed.

Motion to approve contract with Charge Point Inc. and direct staff to proceed with installation of the EV Charging Station at 500 East Avenue North.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jim Slanetz, Council President
SECONDER:	Anne Corrock, Councilor
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

- h. **Approval of application to Idaho Power to reimburse the City of Ketchum for costs related to installation of an EV charging station at 500 East Avenue North – Director of Planning & Building Micah Austin**

Director of Planning & Building Micah Austin asked for approval to submit application to Idaho Power.

Motion to approve the application to Idaho Power for reimbursement of costs associated with installation of an EV charging station at 500 East Avenue North.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Baird Gourlay, Councilor
SECONDER:	Jim Slanetz, Council President
AYES:	Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

- i. **Public hearing and consideration of Ordinance 1162 amending Title 17 of the Ketchum Municipal Code, Zoning Ordinance, amending sections 17.127 and 17.12– Director of Planning & Building Micah Austin**

Director of Planning & Building Micah Austin gave the background of the change in the rules in signage. Real estate signage, sandwich board signs, yard sale signs and political sale signs were discussed.

Community Core dimensional standards and maximum height of mechanical equipment have also been added into this amendment. There was discussion among Mayor and Council and they voiced concerns. Councilor Baird Gourlay suggested solar and greenhouses be divided out from mechanical. Micah Austin will bring this part back to council at a later date.

Mayor opened the meeting up to public comment. There were none.

Motion to be continued to a date certain October 3rd and to have a public hearing and consideration of Ordinance 1162.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael David, Councilor
SECONDER: Jim Slanetz, Council President
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

6. EXECUTIVE SESSION to discuss:

- a. Litigation pursuant to Idaho Code §74-206 1(f)
- b. Personnel Matters pursuant to Idaho Code §74-206 (b)
- c. Hiring of a Public Officer Idaho Code §74-206(a)

Motion to go into Executive Session at 7:39 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Slanetz, Council President
SECONDER: Anne Corrock, Councilor
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

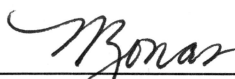
Motion to come out of Executive Session at 8:43p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Baird Gourlay, Councilor
SECONDER: Jim Slanetz, Council President
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz

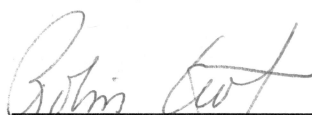
7. ADJOURNMENT

Motion to adjourn at 8:44 p.m.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Baird Gourlay, Councilor
SECONDER: Jim Slanetz, Council President
AYES: Michael David, Anne Corrock, Baird Gourlay, Jim Slanetz



Nina Jonas, Mayor



Robin Crotty, Interim City Clerk